

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

700-0077

STIPULATED AGREEMENT

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", the Elgin, Joliet and Eastern Railway Company, hereinafter referred to as the "Company", the City of Aurora in Will County, hereinafter referred to as the "City", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the crossing of the Company's track with a public highway known as 87<sup>th</sup> Street located in the City of Aurora, Will County, Illinois, designated as crossing DOT 260 563T, milepost 56.32-A; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2           The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) The Company should remove the existing warning devices, and install new automatic flashing light signals and gates with LED lamps, and crossing controller;

Section 3           The Company has prepared a preliminary estimate of cost which is attached as Exhibit B, to accomplish the proposed improvements which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4           The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5           The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) the cost to perform the warning device improvements as outlined in Section 2 hereinabove, estimated at \$48,988, should be allocated 90% to the Grade Crossing Protection Fund (Fund), not to exceed \$44,089, with the Company bearing any remaining cost as well as all future maintenance and operation cost thereof.

Section 6           Special Provisions: The Company shall file a written report with the Director of Processing within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures of their portions of the project and the percentage of completion of the project; if the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Main Office, Illinois Department of Transportation at 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than

twenty four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24<sup>th</sup> month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company shall within ninety (90) days of the date of Commission's Order subsequent to this Agreement, submit to the Director of Processing, Transportation Division of the Commission, the name, title, mailing address, phone number and facsimile number of a project manager.

In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 27<sup>th</sup> day of June, 2000.



Michael E. Stead  
Railroad Safety Program Administrator

Attest:

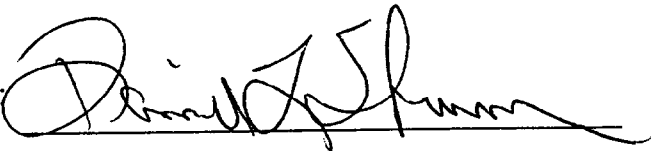


Henry Humphries,  
Railroad Safety Specialist

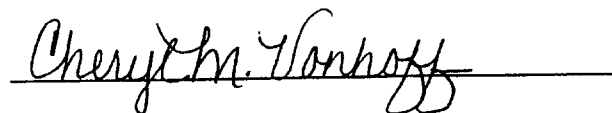
Illinois Commerce Commission Stipulated Agreement No. 938 concerning an improvement at the crossing of the track of the Elgin, Joliet and Eastern Railway Company with a public highway known as 87th Street in the City of Aurora, Will County, Illinois, designated as crossing AAR/DOT # 260 563T, Milepost 56.32-A.

Executed by the City this 25<sup>th</sup> day of July 2000.

CITY OF AURORA

By: 

Attest:



CITY OF AURORA, ILLINOIS  
RESOLUTION NO R00-335  
DATE OF PASSAGE July 25, 2000

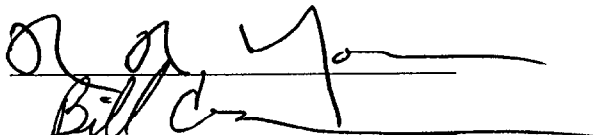
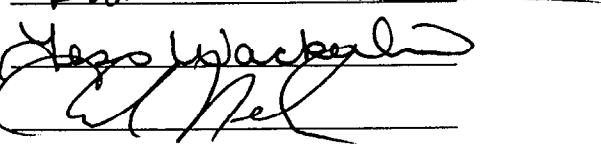
A RESOLUTION AUTHORIZING THE EXECUTION OF  
STIPULATED AGREEMENT #938  
WITH THE ILLINOIS COMMERCE COMMISSION FOR  
IMPROVEMENTS AT THE CROSSING OF THE TRACK AT THE  
ELGIN, JOLIET AND EASTERN RAILWAY COMPANY WITH A PUBLIC  
HIGHWAY KNOWN AS 87<sup>TH</sup> STREET IN THE CITY OF AURORA

**WHEREAS**, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

**WHEREAS**, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, the Illinois Commerce Commission has prepared a Stipulated Agreement #938 for the Improvements at the crossing of the track at the Elgin, Joliet and Easter Railway Company with a public highway know as 87<sup>th</sup> Street in the City of Aurora,

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Aurora, Illinois, that the Mayor and City Clerk be and are hereby authorized to execute said joint agreement on behalf of the City of Aurora.

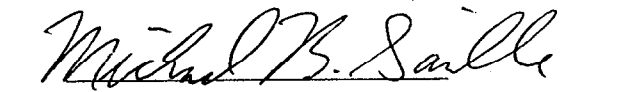
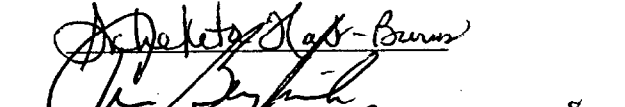
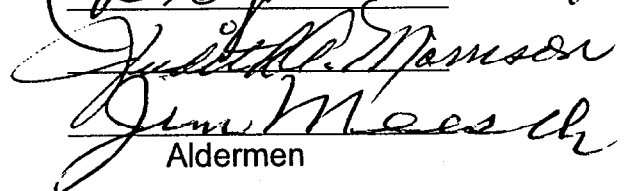
Aldermen

AYES 9

NAYS 0

NOT VOTING     

ATTEST:  
  
City Clerk

Aldermen

  
Mayor David L. Stover

Illinois Commerce Commission Stipulated Agreement No. 938 concerning an improvement at the crossing of the track of the Elgin, Joliet and Eastern Railway Company with a public highway known as 87th Street in the City of Aurora, Will County, Illinois, designated as crossing AAR/DOT # 260 563T, Milepost 56.32-A.

Executed by the Department this 28TH day of JULY 2000.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By:

James C. Slifer  
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 938 concerning an improvement at the crossing of the track of the Elgin, Joliet and Eastern Railway Company with a public highway known as 87th Street in the City of Aurora, Will County, Illinois, designated as crossing AAR/DOT # 260 563T, Milepost 56.32-A.

Executed by the Company this 17th day of August 2000.

ELGIN, JOLIET AND EASTERN  
RAILWAY COMPANY

By: Dennis R. Ojard

Attest:

Marilyn Ellett



STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT SURVEY FORM

RR/Line EJ&E Milepost 56.32-A Inventory # 260 563T  
City (I) Aurora Street 87<sup>th</sup> Street County Will  
Jurisdiction City Urban XX Rural      Commercial      Residential XX  
Street Surface Asphalt Width 30' C/C Condition Fair  
Angle 90° Tracks Tangent Yes Degree of Curve -- Superelevation --  
Depth of Cut ----- Height of Fill -----

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>FDT</u>	<u>32'</u>	<u>Fair</u>
<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
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Intersecting Roads 110' Normantown Road 200' None  
Traffic Control Devices Present Stop sign at Normantown Road  
ADT 300 Speed posted 45mph Statewide Yes  
Schoolbuses Yes Hazardous Materials --- Other ---  
Rail Traffic: Ft. 15-18 @ 45 mph Pass. -- @ -- mph Switch ----  
Simultaneous Movements No Daylight and Dark Yes  
Present Protection AFLS  
        
Advance Warning Signs Yes Pavement Marking Y-W [N-E]

## Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		N/A	
NW	N/A		N/A	
SE	N/A		N/A	
SW	N/A		N/A	

### Approach Grades

East	#	'	#	%	#	'	#	%	#	'	#	%
West	Meets	'	92	%	Ill.	'	Adm.	%	Code	'	1535	%

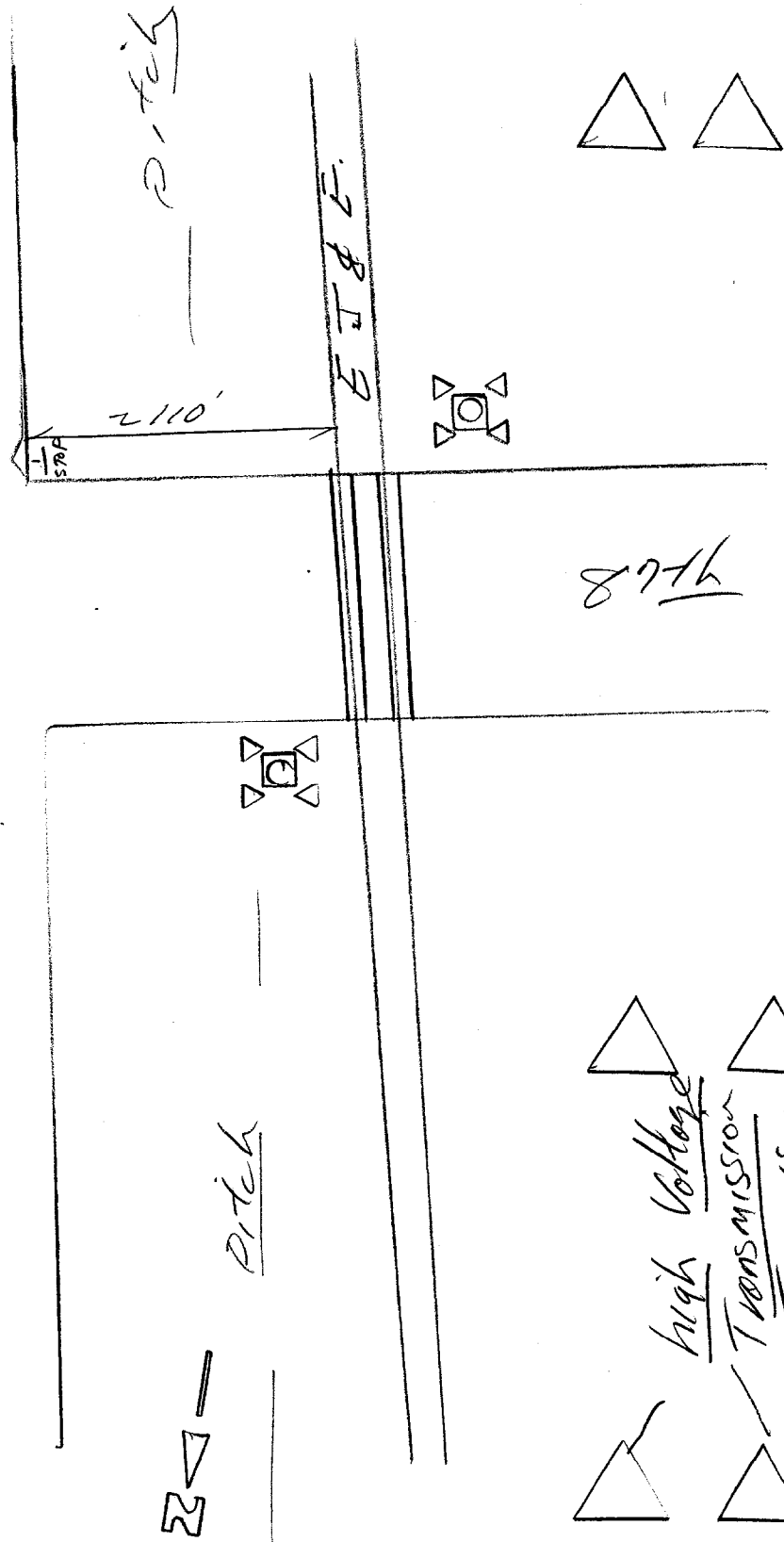
Comments: # T91-0066 granted a variance to improve the  
approaches @ Exhibit 2, attached to the Order. Due to the  
closeness of Nornmantown Road and the EJ&E track it is not  
possible to meet the requirements of 92 Ill. Adm. Code 1535.

Sketch of Crossing

water  
tower

scale:
None

Norman town Road





# ELGIN, JOLIET AND EASTERN RAILWAY COMPANY

1 NORTH BUCHANAN STREET - GARY, INDIANA 46402

DENNIS R. OJARD, P.E.  
CHIEF ENGINEER

219 / 883-4307 - FAX 219 / 883-4257

May 31, 2000

EXHIBIT B  
PAGE 1

Mr. Michael Stead  
Illinois Commerce Commission  
527 E. Capitol Ave.  
P. O. Box 19280  
Springfield, IL 62794-9280

RE: Estimate to Add Gates at 87<sup>th</sup> Street  
Road Crossing AAR/DOT #260563T

Dear Mr. Stead:

Per Mr. Humphries' request, accompanying is an estimate to add gates at the 87<sup>th</sup> Street road crossing.

The existing crossing circuits and bungalow will not require replacement.

Feel free to call if you have any questions.

Sincerely,

Dennis R. Ojard, P.E.  
Chief Engineer

attachment

cc: H. Humphries  
R. C. Baker  
M. S. Halsted  
T. W. Hunter

ESTIMATE EJ&E Railway Company

05/19/00

Page 1

CROSSING - 87th Street AAR DOT # 260 563TPROJECT- To Add Gates to Existing Crossing Warning System at the 87th Street Crossing in AuroraDESCRIPTIONI. MATERIAL

- Two US&S Gate Mechanisms with Railway Equipment Co. Gates, Harmon LED Flashing Lights, Gate Foundations, Electronic Bell and Solid State Crossing Controller \$ 18,000
- Harmon Crossing Analyzer \$ 1,800
- Signal Gate Cable- 5 Conductor #6 AWG  
500 feet @ \$4.70 / ft. \$ 2,350
- Signal Gate Cable- 12 Conductor #9AWG  
500 feet @ \$6.00 / ft. \$ 3,000
- Miscellaneous Material \$ 1,500
- Subtotal Material \$ 26,650
- 11 % Handling Charge \$ 2,932

TOTAL MATERIAL\$ 29,582II. LABOR

- Signalman  
400 manhours @ \$19 / hour \$ 7,600
- Signal Foreman  
60 manhours @ 21.50 / hour \$ 1,290

Page 2  
87th Street Estimate  
05/19/00

• Engineering & Accounting	<u>\$ 1,000</u>
Subtotal Labor	\$ 9,890
Fringe Cost ( .76 )	<u>\$ 7,516</u>

<b><u>TOTAL LABOR</u></b>	<b><u>\$ 17,406</u></b>
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<b><u>III. EQUIPMENT RENTAL/ PIPE PUSH</u></b>	<b><u>\$ 2,000</u></b>
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<b><u>NET PROJECT EXPENDITURE</u></b>	<b><u>\$ 48,988</u></b>
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